

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STATE FARM FIRE & CASUALTY
COMPANY (a/s/o ROBERT & JULISSA
VALENTIN),

Plaintiffs,

-against-

HEWLETT-PACKARD COMPANY and
SONY ELECTRONICS INC.,

Defendants.

ECF
Civil Action No.:

NOTICE OF AND PETITION FOR REMOVAL

**TO THE HONORABLE CHIEF JUDGE AND JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**

Defendant, Sony Electronics Inc., hereby files this Notice of and Petition for Removal of this action from the Supreme Court of New York, Queens County, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §1441 and, in support thereof, avers as follows:

Procedural History

1. The complaint in this case was filed with the Clerk of Queens County on or about August 15, 2016 (a true and correct copy of the Summons and Complaint are attached as Exhibit “A”).
2. The complaint was served on Sony Electronics Inc. via personal service on its registered agent, CSC, on August 30, 2016.
3. No further proceedings have been had in the Supreme Court of New York, Queens County, in connection with the above-captioned action.

Facts Supporting Removal – Diversity of Citizenship

4. There is complete diversity of citizenship between the parties that were properly joined and served in this action. See *Navarro Savings Assn v. Lee*, 466 U.S. 458, 460 (1980) (holding citizens must be “real and substantial to the controversy”).

5. As demonstrated *infra*, there is complete diversity between the plaintiff and all defendants.

6. State Farm Fire & Casualty Company (“State Farm”) is a citizen of the State of Illinois by virtue of the facts it is incorporated under the laws of and maintains its principal place of business in the State of Illinois.

7. State Farm’s subrogors, Robert and Julissa Valentin, are citizens of the State of New York.

8. Defendant, Sony Electronics Inc., is a citizen of the States of Delaware and California by virtue of the facts it is incorporated under the laws of the State of Delaware and maintains its principal place of business in the State of California.

9. Defendant, Hewlett-Packard Company, is a citizen of the States of Delaware and California by virtue of the facts it is incorporated under the laws of the State of Delaware and maintains its principal place of business in the State of California.

The Amount in Controversy

10. The amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, given that State Farm seeks to recover from the defendants an amount equal to or in excess of Two Hundred Eighty Nine Thousand Three Hundred Sixty Five Dollars and 24/100 Cents (\$289,365.24).

Removal is Timely

11. The Notice of Removal has been filed within thirty (30) days of Sony Electronics Inc. and Hewlett-Packard receiving the Summons and Complaint. See 28 U.S.C. § 1446(b).

Consent to and Joinder of Hewlett-Packard, Inc.

13. As evidenced by Exhibit “B” attached hereto, Hewlett-Packard consents to and joins in the removal of this lawsuit from the Supreme Court of New York, Queens County, to the United States District Court for the Eastern District of New York.

Compliance with 28 USC § 1446

14. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, Queens County, as provided by 28 U.S.C. § 1446.

15. Pursuant to Rule 81(a)(4) of the Local Rules of the United States District Court for the Eastern District of New York, written notice of the filing of this Notice of Removal has been served upon plaintiff, through its counsel of record.

WHEREFORE, defendant, Sony Electronics Inc., prays for removal of the above-captioned action from the Supreme Court of New York, Queens County, to the United States District Court for the Eastern District of New York.

Dated: Philadelphia, PA
September 22, 2016

Respectfully Submitted,

/s/ Elizabeth A. Weill

Elizabeth A. Weill, Esq. (EW 9102)
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CERTIFICATE OF SERVICE

I, ELIZABETH A. WEILL, do hereby certify that on September 22, 2016, a true and correct copy of the foregoing Notice of Removal of Defendant, Sony Electronics Inc., was served via e-mail and civil e-filing on the following:

Stuart D. Markowitz, Esquire
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/s/ Elizabeth A. Weill